MONTANA LEGISLATIVE HISTORY

Chapter 485 19 73

Bill H 272 S _____ Original bill & history ___C

H. Committee on Business & Ind.		S. Committee on Business & Ind.	
Hearing Date(s) 2-2	✓ C	Hearing Date(s) 2-16	✓ C
1-31	✓ C	_____	___C
_____	___C	_____	___C
_____	___C	_____	___C
Date Out _____	___C		

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

1973
House

BUSINESS AND INDUSTRY COMMITTEE

43rd Legislative Assembly

Bill No.	Subject Matter	Date In	Hearing Date	Comments	Date Out	Committee Action	Final Action
HB 278	money deposited in Mont. banks may be considered as operating capital... determine rate base	1-23-73	2-2-73		2-5-73	DO NOT PASS	
HB 290	gasoline dealers shall have octane ratings on pumps.	1-23-73	1-26-73		2-2-73	DO NOT PASS	
HB 272	relating to regulation of certain establishments	1-23-73	1-31-73		2-2-73	DO PASS	
HB 276	disallowing consideration of advertising expenses & contributions in setting rates chg. by public utilities.	1-23-73	2-2-73		2-5-73	AS AMENDED DO PASS	
HB 83	definition of barbering to include styling, arranging and coloring of hair	1-23-73	1-24-73		2-5-73	AS AMENDED DO PASS	
HB 308	liens for labor & material furnished for use of oil or gas wells....	1-23-73	2-2-73		2-2-73	~~DO PASS~~	

BUSINESS AND INDUSTRY COMMITTEE

January 31, 1973

The Business and Industry committee meeting was called to order this date with Chairman Mehrens presiding. All members were present with the exception of Rep. Lien.

The following bills were before the committee for consideration:

SB 75...Senator Nees, sponsor, gave a summary on this bill. Senator Bollinger alos testified as a proponent. Opponents to the bill were Mr. Gary Whitman, Mr. Leroy Lucker, Mr. Don Swingley, Mr. David Emerson, Mr. Joe Martin, and Mr. Mitchell Mihailovich.

HB 304...Rep. Haines, sponsor, gave a summary on this bill. Rep. Ainsworth and Mr. Dean Zinnicker testified as proponents. A proposed amendment is attached. Opponents were the following: Mr. Timothy Seery, Mr. Ralph Armstrong, Mr. William Johnson, Mr. Stan Thurston, Mr. Louis B. Goosey, Mr. Robert E. Miller, Mr. K. A. Eggensperger, Mr. Wesley W. Stearns, Rep. John Walburn, Mr. Irvin Hutchinson, Mr. Jack Judd, Mr. Andy Anderson, Mr. Bob Keller, Mrs. Helen Peterson, Mr. Verle Rademacher, Rep. Joe Brand, and Mr. Wayne Crakrey.

HB 272...Rep. Max Baucus, sponsor, presented the bill to the committee. Mr. Vernon Sloulin and Mr. William Penttila were proponents. There were no opponents.

There being no further business, the meeting adjourned.

John Mehrens, Chairman

jb

NAME Bill Herbrecht BILL NO. 272

ADDRESS 1080 Douglas Cr DATE 1/31/75

Helena

WHOM DO YOU REPRESENT? State Dept of Health

SUPPORT? X OPPOSE? _____ AMEND? _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

NAME John Anderson MD BILL No. 222

ADDRESS _____ DATE 1-31

WHOM DO YOU REPRESENT? Dept of Health & Environmental Sciences

SUPPORT? ✓ OPPOSE? _____ AMEND? _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

HB313
348
348
275

NAME: WILLIAM PENTTILA BILL No.

ADDRESS 1710 9th Ave Helena DATE

WHOM DO YOU REPRESENT? STATE FIRE MARSHALS

SUPPORT? X OPPOSE? AMEND?

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

BUSINESS AND INDUSTRY COMMITTEE

February 2, 1973

The Business and Industry committee meeting was called to order this date at 8:00 a.m. with Chairman Mehrens presiding. All members were present with the exception of Rep. Swanberg.

SB 75 was again before the committee for consideration. Senator Nees sponsor, explained the bill. Other proponents were Senator Lowe, Rep. Prevost, Senator Dewolf, Mr. William Lindsay, Mr. Riley Ostby, and Mr. Pat Tice.

The following actions were taken on bills already presented to the committee:

HB 204...Rep. Lockrem moved the adoption of the amendments, attached. This motion passed unanimously. Rep. Selstad moved HB 204 as amended DO PASS. The motion passed unanimously.

HB 290...Rep. Olson moved HB 290 DO NOT PASS. This motion passed unanimously.

HB 272...Rep. Harper moved HB 272 DO PASS. The motion passed unanimc

HB 121... Rep. Hageman moved to reconsider HB 121 and forward to secc reading with a DO PASS recommendation. Rep. Kessner made a substitut motion to hold HB 121 in committee for one year. The substitute motion passed with Rep. Lien, Driscoll, Hageman, Harper, Manuel, and Regan voting NO.

HB 122...Rep. Harper moved HB 122 DO PASS as amended. Rep. Harper withdrew that motion and then moved the adoption of the amendment, which is attached. Rep. Lockrem moved that HB 122 as amended DO NOT This motion passed with Rep. Lien, Driscoll, Hageman, Harper, and Rec voting NO.

HB 178...Rep. Lockrem moved adotpion of the amendment, attached. Thi motion passed unanimously. Rep. Lockrem moved HB 178 as amended DO PASS. He withdrew his motion. Chairman Mehrens will study this bill further.

HB 179...Rep. Regan moved HB 179 as amended DO PASS. Rep. Lien made a substitute motion that HB 179 DO NOT PASS. Both Rep. Regan and Lie withdrew their motions.

Rep. Hageman moved the adoption of amendments, attached. This motio passed unanimously. Rep. Regan moved HB 179 as amended DO PASS. Rep Lien made a substitute motion HB 179 DO NOT PASS as amended. This substitute motion passed with Rep. Regan, Harper, Hageman and Driscoll voting NO.

B 304...Rep. Regan moved adoption of amendments, attached. The motio

1973
Senate

COMMITTEE ON Business & Industry

BILL NO.	ENTERED COMM.	OUT OF COMM.	DO PASS	DO NOT PASS	DO PASS AS AMENDED	BE CONCURRED IN	BE CONCURRED IN AS AMENDED	BE NOT CONCURRED IN	Be adopted
75	1-8	2-16-73	X						X
84	1-9 OUT	1-19-73		X					
95	1-11 (1-19 OUT								
96	1-11 (1-19 OUT	1-19-73		X					
100	1-11 (1-19 OUT	2-17-73	X						X
143	1-13 (1-22 OUT								
148	1-15 (1-23)	1-19-73	X						
AB59	1-16 (1-24								
165	1-16 (1-24	1-19-73		X					
166	1-16 (1-24	1-22-73	X						
170	1-17 (1-25	1-22-73	X						
174	1-17 (1-25	1-19-73	X						
169	1-22-73	1-22-73		X					
218	1-22-(			X					
222	1-22			X					
234	1-22			X					
272	1-25								
AB84	1-22								
304	1-22	1-26-73		X					
309	1-22								
311	1-22	1-26-73		X					
351	1-25								

February 16, 1973

A meeting of the Business and Industry was called to order by the Chairman, Percy DeWolfe, Room 412, at 11:00 A.M. February 16th. Senator Rosell was excused. All members were present except for three members.

House Bill 134 was discussed at length and a vote taken that the BILL BE CONCURRED IN. Senator Bertsche was nominated to Carry this bill on the floor of the Senate. No witnesses appeared in opposition and James E. Snow representing Piper, Jaffray and Hobwood appeared in support of the bill.

House Bill No. 367 was discussed. Ann K. Regan, House of Rep. District 8, appeared in support of the bill. No opposition to the bill a motion was made by Senator Aber and seconded by Keenan that the bill be CONCURRED IN. Motion carried.

House Bill No. 272 was discussed with Vern Sloulin from the Department of Health, Bill Harvrecht, Dept. of Health, Bill Bentila, State Fire Marshall and Rod Gudgel from Montana Nursing Home Association giving their support for the bill. No opposition to the bill. A motion was made by Broeder and seconded by Shea that the bill BE CONCURRED IN. Motion carried. Broeder will carry this bill to the floor.

A motion was made by Senator Hazelbaker and seconded by Keenan that House Bill No. 308 BE CONCURRED IN. Motion Carried.

House Joint Resolution No. 7 was discussed and a motion was made by Senator Hazelbaker and seconded by Broeder that the Bill BE NOT CONCURRED IN. Motion carried.

There being no further business before the committee a motion was made and seconded that the meeting adjourn.

P. DeWolfe

DeWolfe, Chairman

SENATE COMMITTEE BUSINESS AND INDUSTRY

Date 2/16/73 House Bill No. 272 Time 11 [illegible]

NAME	YES	NO
Gordon McGowan, Vice Chairman	absent	
Fred Brander	✓	
Jack DeVine	✓	
Glenn Drake Aber	✓	
Wm. A. Groff (Bill)	absent	
Frank Hazelbaker	✓	
P. J. Keegan	✓	
William Lane	absent	
A. Rosell	absent	
Jimmy Shea	✓	
Percy DeWolfe, Chairman	✓	

Secretary, Jean Geier

Chairman, Percy DeWolfe

Motion: Be recommended Do

fee for carrying on business in said state of Montana, such percentage or percentages of total net income received by such corporation in the perceding fiscal year from all sources within the state of Montana as hereinafter set forth; and every corporation, except as hereinafter provided, and except as provided in section 40-2821 (5), R.C.M. 1947, organized and existing under the laws of any other state or country, or the United States, and engaged in business in the state of Montana, shall annually pay for the exclusive use and benefit of the state of Montana a license fee for carrying on its business in the state of Montana of such percentage or percentages of total net income received by such corporation in the preceding fiscal year from all sources within the state of Montana as hereinafter set forth.

The percentage of net income to be paid under this section shall be six and three-quarters per cent (6¾%) of all net income for the taxable period. The rate set forth in this act shall be effective for all taxable years ending on or after February 28, 1971. *This rate is retroactive to and effective for all taxable years ending on or after February 28, 1971.* Every corporation subject to taxation under this act shall, in any event, pay a minimum tax of not less than fifty dollars ($50).

There shall not be taxed under this title any income received by any—

(a). Labor, agricultural or horticultural organization;

(b). Fraternal beneficiary, society, order or association operating under the lodge system or for the exclusive benefit of the members of fraternity itself operating under the lodge system, and providing for the payment of life, sick, accident or other benefits to the members of such society, order or association or their dependents;

(c). Cemetery company owned and operated exclusively for the benefit of its members;

(d). Corporation or association organized and operated exclusively for religious, charitable, scientific or educational purposes, no part of the net income of which inures to the benefit of any private stockholder or individual;

(e). Business league, chamber of commerce, or board of trade, not organized for profit, and no part of the net income of which inures to the benefit of any private stockholder or individual;

(f). Civic league or organization not organized for profit, but operated exclusively for the promotion of social welfare;

(g). Club organized and operated exclusively for pleasure,

recreation and other nonprofitable purposes, no part of the net income of which inures to the benefit of any private stockholder or members;

(h). Farmers' or other mutual hail, cyclone or fire insurance company, mutual ditch or irrigation company, mutual or co-operative telephone company, or like organization of a purely local character, the income of which consists solely of assessments, dues and fees collected from members for the sole purpose of meeting its expenses;

(i). Any co-operative association or corporation engaged in the business of operating a rural electrification system or systems for the transmission or distribution of electrical energy on a co-operative basis;

(j). Corporations or associations organized for the exclusive purpose of holding title to property, collecting income therefrom, and turning over the entire amount thereof, less expenses, to an organization which itself is exempt from the tax imposed by this title;

(k). In determining the license fee to be paid under this act, there shall not be included any earnings derived from any public utility managed or operated by any subdivision of the state, or from the exercise of any governmental function."

Section 2. Section 84-1501.8, R.C.M. 1947, is repealed.

Approved: March 27, 1973.

CHAPTER NO. 485

An Act Amending Section 34-301, R.C.M. 1947, Relating to Regulations of Certain Establishments; Amending Section 34-302, R.C.M. 1947, Relating to Definitions; Amending Section 34-303, R.C.M. 1947, Relating to Licenses Required; Amending Section 34-304, R.C.M. 1947, Relating to the Fee Charged for a License; Amending Section 34-306, R.C.M. 1947, Relating to Rules and Regulations and Cooperative Agreements; Providing for Related Matters; and Repealing Section 34-308, R.C.M. 1947.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Section 34-301, R.C.M. 1947, is amended to read as follows:

"34-301. **Control and regulation of establishments required**

by public interest. It is hereby found and declared that the public welfare requires control and regulation of the operation of establishments providing lodging space accommodations, as defined in section 2 [34-302] hereof, and the control, inspection, and regulation of persons engaged therein, in order to prevent or eliminate unsanitary and unhealthful conditions and practices which conditions and practices may endanger public health. It is further found and declared that the regulation of establishments providing lodging space accommodations as above outlined is in the interest of social well-being and the health and safety of the state and all of its people."

Section 2. Section 34-302, R.C.M. 1947, is amended to read as follows:

"34-302. **Definitions.** *Unless* the context *requires otherwise* in this act:

(a) "Person" includes *an* individual, partnership, corporation, association, county, municipality, co-operative group, or other entity engaged in the business of operating, owning, or offering the services of a hotel, motel, tourist home, *retirement home or rooming house.*

(b) "Board" *means* board of health *and environmental sciences.*

(c) "Department" means the department of health *and environmental sciences.*

(d) "Hotel or motel" *includes a* building or structure kept, used, or maintained as or advertised as, or held out to the public to be a hotel, motel, inn, motor court, tourist court, public lodging house or place where sleeping accommodations are furnished for a fee to transient guests with or without meals.

(e) "Tourist home" means *an* establishment or premises where sleeping accommodations are furnished to transient guests for hire or rent on a daily or weekly rental basis in a private home when *the* accommodations are offered for hire or rent for the use of the traveling public.

(f) "Transient guest" means a guest for only a brief stay, such as the traveling public.

(g) "Rooming house or retirement home" means buildings in which separate sleeping rooms are rented providing sleeping accommodations for three (3) or more persons on a weekly, semimonthly, monthly or permanent basis; with or without meals, but without separate cooking facilities for individual occupants."

Section 3. Section 34-303, R.C.M. 1947, is amended to read as follows:

"34-303. **License required.** Each year, every person engaged in the business of conducting or operating a hotel, motel, tourist home, *retirement home or rooming house,* shall procure a license issued by the department. A separate license *is* required for each establishment; however, where more than one of each type of establishment is operated on the same premises and under the same management, only one license is required which shall enumerate on the certificate thereof the types of establishments licensed. Applications for *a* license shall be made in writing to the department on such forms and with such pertinent information as it *considers* necessary. *Existing licenses shall be renewed as a matter of right, unless conditions exist which are grounds for a cancellation or denial of a license.*

If determination is made to deny an initial application for a license, or if a renewal application is denied and a license canceled, the denial or cancellation shall be preceded by written notice of the grounds therefor and the opportunity to request a hearing before the board to show cause why the license should be denied."

Section 4. Section 34-304, R.C.M. 1947, is amended to read as follows:

"34-304. **Fee—term of license.** (a) There shall be paid to the department with each application for such license or for renewal of such license, an annual license fee of *ten* dollars *($10). These fees shall be deposited with the state treasury to the credit of the general fund.*

(b) Each license shall expire on December 31 following its date of issue, unless canceled for cause. Renewal may be obtained annually by paying the required annual license fee. Such license shall not be transferable nor be applicable to any premises other than that for which originally issued."

Section 5. Section 34-306, R.C.M. 1947, is amended to read as follows:

"34-306. **Rules—***cooperative* **agreements.** (a) The *department may adopt* and enforce rules to preserve the public health and safety. These rules shall relate to construction, furnishings, housekeeping, personnel, sanitary facilities and controls, water supply, sewerage and sewage disposal system, refuse collection and disposal, registration and supervision, *and fire and life safety code.*

(b) The department is hereby authorized to enter into co-

operative agreements with any of the state agencies or political subdivisions for the purpose of carrying out the provisions of this act, or any part thereof."

Section 6. Section 34-308, R.C.M. 1947, is repealed.

Approved: March 27, 1973.

CHAPTER NO. 486

An Act to Amend Section 16-807, R.C.M. 1947, to Clarify the Limit of Indebtedness a County Can Incur as Being Five Per Cent (5%) of the Assessed Value of the Taxable Property in the County; and to Provide that any Single Purpose Indebtedness Exceeding Forty Thousand Dollars ($40,000) Be Submitted to the Voters.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Section 16-807, R.C.M. 1947, is amended to read as follows:

"16-807. **Limit of indebtedness.** No county must become indebted in any manner or for any purpose to an amount, including existing indebtedness, in the aggregate exceeding five per centum of the *assessed* value of the taxable property therein, to be ascertained by the last assessment for state and county taxes previous to the incurring of such indebtedness, and all bonds or obligations in excess of such amount given by or on behalf of such county are void. No county must incur any indebtedness or liability for any single purpose to an amount exceeding *forty* thousand dollars *($40,000)* without the approval of a majority of the electors thereof voting at an election to be provided by law."

Approved: March 27, 1973.

CHAPTER NO. 487

An Act Permitting Submission of Fingerprints in Connection with Retail Liquor and Beer Licenses.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. All applicants for a Montana retail liquor or beer license, including corporate officers, may be required by the department of revenue, when applying for said license to have their fingerprints taken for use in determining the eligibility of the applicant for such license.

Section 2. This provision shall also apply to all who file a security interest against such license except as to banks, savings and loan institutions, and licensed lending agencies.

Approved: March 27, 1973.

CHAPTER NO. 488

An Act Relating to the Workmen's Compensation Act; Amending Section 92-418, R.C.M. 1947, Relating to the Definition of "Injury" or "Injured" to Provide for Broadened Coverage for Firemen; and Providing for an Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Section 92-418, R.C.M. 1947, is amended to read as follows:

"92-418. **Injury or injured defined.** "Injury" or "injured" means:

(1) a tangible happening of a traumatic nature from an unexpected cause, or unusual strain, resulting in either external or internal physical harm, and such physical condition as a result therefrom and excluding disease not traceable to injury, *except as provided in subsection 2 of this section.*

(2) cardiovascular or pulmonary or respiratory diseases contracted by a paid fireman employed by a municipality, village or fire district as a regular member of a lawfully established fire department, which diseases are caused by over-exertion in times of stress or danger in the course of his employment by proximate exposure or by cumulative exposure over a period of four (4) years or more to heat, smoke, chemical fumes, or other toxic gases."

Section 2. Nothing herein shall be construed to exclude any other working person who suffers a cardiovascular, pulmonary or respiratory disease while in the course and scope of his employment.

Section 3. This act is effective on its passage and approval.

Approved: March 27, 1973.

CHAPTER NO. 489

An Act to Amend Section 84-301, R.C.M. 1947, Relating to Taxation and Classification of Rights of Entry.